

## TWENTIETH DAY

(Wednesday, February 17, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

## Reports of Standing Committees

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
February 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 177, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
February 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 174, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
February 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 155, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Senate Committee substitute bill attached hereto do pass in lieu thereof.

WEINERT, Chairman.

Austin, Texas,  
February 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 4, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the attached Committee amendment and be printed.

WEINERT, Chairman.

Senator Vick submitted the following reports:

Austin, Texas,  
February 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 7, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass with Committee amendment and be printed.

VICK, Chairman.

Austin, Texas,  
February 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 6, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VICK, Chairman.

Austin, Texas,  
February 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No.

9, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VICK, Chairman.

Austin, Texas,  
February 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 8, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VICK, Chairman.

Senator Stone submitted the following reports:

Austin, Texas,  
February 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. No. 12, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with Committee amendment.

STONE, Chairman.

Austin, Texas,  
February 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. No. 54, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with Committee amendments.

STONE, Chairman.

Austin, Texas,  
February 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred S. B. No. 179, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Austin, Texas,  
February 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred S. B. No. 180, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Austin, Texas,  
February 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred S. B. No. 181, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

#### Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Mauritz:

S. B. No. 189, A bill to be entitled "An Act amending Acts 1848, page 156; PD 4655, G. L. Volume 3, P. 156, and Chapter 1, Title 121, R. C. S. 1925, and providing for uniform registration of earmarks and brands, the issuing of certificate of registration, renewing registration, disposition of fees for so recording, and providing for publication of notice, and payment for said publication, and repealing law in conflict herewith; and declaring an emergency."

To Committee on Stock and Stock Raising.

By Senator Vick:

S. B. No. 190, A bill to be entitled "An Act amending Article 2526, Revised Civil Statutes of Texas, 1925, as amended by Acts 1927, Fortieth Legislature, First Called Session, page 161, Chapter 57, and as amended by Acts Forty-fifth Legislature, 1937, page 319, Chapter 164; also amending Article 2537, Revised Civil Statutes of Texas, 1925, as amended by Chapter 89, Acts First Called Session, Forty-third Legislature, and as amended by Acts Forty-fifth Legisla-

ture, 1937, page 319, Chapter 164; and declaring an emergency."

To Committee on Banking.

By Senator Stone:

S. B. No. 191, A bill to be entitled "An Act to amend Article 4758, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

To Committee on Insurance.

By Senator Shivers:

S. B. No. 192, A bill to be entitled "An Act providing that in all general and special elections for candidates for constitutional or statutory offices which elections are held in this State under authority of State law, the voter shall indicate his choice by placing a check mark (v) or an "X" (X) in a square or box on the official ballot to the left of the candidate's name; providing conditions under which the ballot shall not be counted; providing that official ballots shall be prepared in accordance with the terms of this Act; repealing all General or Special Laws inconsistent or in conflict with the provisions of this Act insofar as the same may be inconsistent or in conflict; and declaring an emergency."

To Committee on Privileges and Elections.

#### House Bill 85 on Third Reading

The President laid before the Senate on its third reading and final passage:

H. B. No. 85, A bill to be entitled "An Act providing for a closed season or a period of time when it shall be unlawful to take bullfrogs from any portion of Fayette County, Texas; etc.; and declaring an emergency."

The bill was read third time and was passed.

#### Record of Vote

Senator Metcalfe asked to be recorded as voting "nay" on the passage of the bill.

#### House Bill 105 on Third Reading

The President laid before the Senate on its third reading and final passage:

H. B. No. 105, A bill to be entitled "An Act to amend Subdivision 30 of Article 199, Title 8 of the Revised Statutes of the State of Texas of

1925 as amended so as to change the time and terms of holding the terms of the District Court of Wichita County, Texas, constituting the 30th Judicial District of Texas."

The bill was read third time and was passed by the following vote:

#### Yeas—30

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

#### Absent—Excused

#### Spears

#### House Bill 200 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 200, A bill to be entitled "An Act to amend Subsection 49, of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, Revision, so as to rearrange, change and provide the terms and the time of holding District Court in Dimmitt, Zapata, Jim Hogg and Webb Counties, Texas, constituting the 49th Judicial District of Texas."

The bill was read second time and was passed to third reading.

#### House Bill 200 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 200 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Fain
Beck	Formby
Brownlee	Graves
Bullock	Hazlewood
Chadick	Jones
Cotten	Kelley

Lane	Morris
Lanning	Ramsey
Lemens	Shivers
Lovelady	Stone
Martin	Sulak
Mauritz	Vick
Metcalf	Weinert
Moffett	Winfield
Moore	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

Absent—Excused

Spears

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
February 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 17, Authorizing issuance of service medals and ribbons. (With amendment.)

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

#### House Bill 179 on Second Reading

Senator Morris moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 179 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Kelley	Sulak
Lane	Vick
Lanning	Winfield

Absent

Formby	Weinert
Moore	York

Absent—Excused

Spears

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 179, A bill to be entitled "An Act appropriating and transferring, for the current fiscal year, to the Special Fund in the Treasury, known as the 'Blind Assistance Fund,' for the purpose of administering assistance to the blind as authorized by law, the sum of Seventy Thousand (\$70,000.00) Dollars from the Clearance Fund established by H. B. No. 8, Regular Session, Acts Forty-seventh Legislature, in addition to the Four Hundred Thousand (\$400,000.00) Dollars authorized to be transferred from such Clearance Fund by S. B. No. 490, Regular Session, Acts of Forty-seventh Legislature and providing that each fiscal year following the current fiscal year, there shall be transferred to the 'Blind Assistance Fund' from said Clearance Fund the sum of Seven Hundred Thousand (\$700,000.00) Dollars said amount to be provided on the basis of equal monthly installments; and declaring an emergency."

The bill was read second time.

Senator Morris offered the following Committee amendments to the bill:

(1)

Amend H. B. No. 179 by striking out Section 2 and renumbering Sections 3 and 4 to be Sections 2 and 3.

(2)

Amend the caption of H. B. No. 179 by striking out all words after the word "Legislature" in line 8 and through the word "installments" in line 11.

The amendments were adopted severally.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 179, page 1 by adding at the end of Section 1, the following:

"Provided that none of the funds appropriated herein shall be used for administrative purposes; provided further that no increase be made in administrative personnel in the Department of Public Welfare by reason of the passage of this Act."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 179 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 179 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Morris
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Kelley	Weinert
Lane	Winfield
Lanning	York
Lemens	

Absent

Moore

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lemens
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Fain	Morris
Formby	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	York
Lanning	

Nays—3

Cotten	Winfield
Lovelady	

Absent

Moore	Weinert
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Absent—Excused

Spears

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
February 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution: H. C. R. No. 30, Inviting Commander Roane Waring to address a joint session.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution 30

The President laid before the Senate, and directed the Secretary to read the following resolution:

H. C. R. No. 30, Providing for a joint session to hear an address by Commander Roane Waring.

Whereas, The Honorable Roane Waring of Memphis, Tennessee, National Commander of The American Legion, will be in Texas on March 3, 1943; and

Whereas, Commander Waring is recognized as one of the outstanding

leaders of the American war effort today, and recently addressed the National Congress on the subject of the task of the American people in winning World War Two; and

Whereas, His fearless and timely leadership in The American Legion, which is composed of honorably discharged veterans of World War One and honorably discharged veterans of World War Two, make this "two-fisted" warrior of the battle fronts of our World War One, and of the home front in World War Two, a much needed leader in our present world war effort today; and

Whereas, Commander Waring is a native son of the South, who commanded the first Tennessee Infantry of the Thirtieth Division of World War One, fought in the Battles of St. Mihiel and Meuse-Argonne, and was awarded the Silver Star for his services; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Commander Roane Waring of Memphis, Tennessee, be invited to address a joint session of the Texas Legislature on March 3, 1943, at 11:00 a. m. on some phase of the war effort.

On motion of Senator Moffett, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Bill Signed

The President signed in the presence of the Senate, after its caption had been read, the following enrolled bill:

H. B. No. 173, A bill to be entitled "An Act to amend Section 5, Chapter 156, Acts 1927, Fortieth Legislature, and providing for the assignment by the presiding judge of the several administrative districts of the State of another judge within the district to preside over a district court in instances where the office of the regular district judge is for any reason vacant; and declaring an emergency."

#### House Concurrent Resolution 11

The President laid before the Senate for consideration at this time:

H. C. R. No. 11, Granting the heirs of William and Dora Walsh permission to sue the State.

The resolution was read.

Senator Brownlee offered the following committee amendment to the resolution:

Amend H. C. R. No. 11 by striking out all of page three (3), and inserting in lieu thereof the following:

"Provided that the passage of this resolution shall not be construed as legislating any fact to be true, but that all facts alleged herein shall be proved in court in the same manner as in any ordinary law suit, and that the Legislature does not by passing this resolution vouch for the truth or falsity of any facts therein."

The amendment was adopted.

The resolution as amended was adopted.

#### House Concurrent Resolution 13

The President laid before the Senate for consideration at this time:

H. C. R. No. 13, Authorizing Christine Mayes to sue the State and the State Highway Department.

The resolution was read.

Senator Graves offered the following amendment to the resolution:

Amend H. C. R. No. 13 by inserting immediately following the last paragraph of page 2 of the resolution the following:

"It is understood that the sole purpose of this resolution is to grant permission to Christine Mayes to bring suit against the State of Texas and the State Highway Department, and no admission of liability of the State or the State Highway Department of any facts, and no admission whatsoever against the interest of the State or the State Highway Department is or shall be made by this resolution."

The amendment was adopted.

The resolution as amended was adopted.

#### Senate Resolution 38

(Honoring Mrs. R. H. P. Wright)

Senator Kelley, by unanimous consent, offered at this time the following resolution:

Whereas, Mrs. R. H. P. Wright is visiting in Austin and is at the present time in the Capitol building; and

Whereas, Mrs. Wright is the mother of the late Mrs. Fay Stevenson, beloved wife of our great Governor and

former Lieutenant Governor, Coke R. Stevenson; and

Whereas, Both Mrs. Stevenson and Mrs. Wright have endeared themselves in the hearts of every Member of this Senate, and by their charm, grace, beauty and loveliness have left their imprint upon the Senate of Texas that can never be erased; now, therefore, be it

Resolved by the Senate of Texas, That the Senate convey its warmest regards and affection to Mrs. Wright, express its pleasure upon her visit to the Capitol, and extend to her the privileges of the floor, and inform her that it will be deeply honored if she will accept this invitation; and be it further

Resolved, That the Secretary of the Senate be directed to deliver a copy of this resolution to Mrs. R. H. P. Wright.

KELLEY,  
AIKIN,  
METCALFE.

Signed—Aikin, Beck, Brownlee, Bullock, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Jones, Kelley, Lane, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Ramsey, Shivers, Spears, Stone, Sulak, Vick, Weinert, Winfield, and York.

The resolution was read.

On motion of Senator Cotten, and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.

Accordingly, the President appointed Senators Kelley, Metcalfe, and Aikin as a committee to escort Mrs. R. H. P. Wright to the Senate Chamber and to the President's desk.

The committee performed the duty assigned it, and the President presented Mrs. Wright to the Senate.

Mrs. Wright thanked the Senate for the courtesies extended her.

#### Senate Concurrent Resolution 17 with House Amendment

Senator Kelley called for consideration at this time of the House amendment to S. C. R. No. 17.

The President laid the resolution and House amendment before the Sen-

ate, and the House amendment was read.

Senator Kelley moved that the Senate concur in the House amendment.

The motion prevailed.

#### Hour for Executive Session Set

On motion of Senator Brownlee, and by unanimous consent, the Senate agreed to hold an executive session at 11:30 o'clock a. m. today.

#### Senate Bill 5 on Engrossment

##### (Unfinished Business)

The President laid before the Senate, as the unfinished business, on its passage to engrossment:

S. B. No. 5, A bill to be entitled "An Act to regulate the sale of agricultural insecticides and fungicides, prohibiting their adulteration, misbranding, or misrepresentation, providing for the collection and analysis of samples, the expenses of the enforcement of the law, fixing penalties for its violation; and declaring an emergency."

With the following amendment by Senator Martin pending:

Amend S. B. No. 5 by striking out Section 6 and Section 7 appearing on page 3 of the printed bill.

Question—Shall the amendment be adopted?

Senator Moffett moved to table the amendment.

Question—Shall the motion to table prevail?

#### Executive Session

At 11:30 o'clock a. m., the President announced the arrival of the hour for an executive session of the Senate.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session, and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the following report had been adopted by the Senate:

Austin, Texas,  
February 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom

was referred the following nominations:

To be Secretary of State, for the term expiring January 18, 1945:

Sidney Latham of Longview, Gregg County.

To be a Member of the Industrial Accident Board, term to expire September 1, 1947:

H. G. Hamrick of Amarillo, Potter County.

Have had the same under consideration and do recommend that they be in all things confirmed.

BROWNLEE, Chairman.

#### In Legislative Session

The President called the Senate to order as in legislative session at 11:55 o'clock a. m.

#### Senate Bill 5 on Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 5, relating to the sale, etc., of insecticides, on its passage to engrossment, with motion by Senator Moffett to table the amendment by Senator Martin pending.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

#### Yeas—15

Bullock	Mauritz
Fain	Metcalf
Formby	Moffett
Hazlewood	Morris
Kelley	Shivers
Lane	Sulak
Lanning	Vick
Lovelady	

#### Nays—14

Aikin	Martin
Beck	Moore
Brownlee	Ramsey
Chadick	Stone
Cotten	Weinert
Graves	Winfield
Jones	York

#### Absent—Excused

Lemens	Spears
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Senator Martin offered the following amendment to the bill:

Amend S. B. No. 5 by striking all below the enacting clause and by substituting in lieu thereof the following:

Section 1. Every person, firm or corporation, before selling or offering for sale any agricultural insecticides or fungicides for use within this State, shall attach to each package a plainly printed label showing the brand or name of said insecticide or fungicide, the net weight, or volume if liquid, of the contents of the package, the name and address of the person, firm or corporation manufacturing or mixing said insecticide or fungicide, and the minimum percentage guaranteed to be present of total arsenic and the maximum percentage of water soluble arsenic, if such are present, and the names and percentage amounts of each inert ingredient, and the names and percentage amounts of each and every ingredient having insecticidal or fungicidal properties, and the total percentage of inert ingredients. All labeling must be durable and legible, and so placed and arranged on each package as to be easily read.

Sec. 2. Every person, firm or corporation, who shall sell or offer for sale any agricultural insecticide or fungicide without having attached such label as required by this Act shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than \$50.00 nor more than \$200.00 for each offense.

Sec. 2a. (1) The term "agricultural insecticide" as used in this Chapter shall include any substance or mixture of substances offered for use for preventing, destroying, repelling, or mitigating any insects or pests which may infest agricultural crops, including fruits, vegetables, ornamentals, shade and forest trees, or which may occur as external parasites on poultry or other animals.

(2) The term "fungicide" as used in this Act includes any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi, including rusts, smuts, mildew, molds, yeasts, and bacteria that may infest vegetation.

Sec. 3. The fact that there is a definite and immediate need for an agricultural insecticide and fungicide law in this State creates an imperative public necessity that the constitutional rule requiring bills to be read in each House on three several days be suspended, and said rule is



hereby suspended, and this Act shall take effect and be in force, from and after its passage, and it is so enacted.

Question—Shall the amendment be adopted?

#### Senate Concurrent Resolution 18

Senator York, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 18, Recalling S. B. No. 79 from the Governor.

Whereas, On February 15, 1943, S. B. No. 79, after having been passed according to the regular procedure in both Houses of the Legislature, was signed by the presiding officers and duly sent to the Governor's office for his consideration; and

Whereas, The caption of the said S. B. No. 79 when it was finally passed in the Senate was not amended to conform to the body of the bill; and

Whereas, The Constitution requires that the subject matter of a bill be expressed in the caption; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said S. B. No. 79 be and the same is hereby ordered recalled from the Governor's office for correction of this error.

The resolution was read, and, by unanimous consent, it was considered and adopted at this time.

#### Senate Bill 178 on Second Reading

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 178, A bill to be entitled "An Act to amend H. B. No. 569, Chapter 317, of the Regular Session of the Forty-seventh Legislature, Acts of 1941; establishing and maintaining a County Law Library in certain counties; providing a fund to be raised by collecting costs in certain civil cases, and for the administration of said funds; providing for appointment of a custodian or librarian and assistants; providing salaries to be fixed by the Commissioners Court; providing for housing and management; providing a saving clause; repealing all laws or parts of laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 178 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 178 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Kelley	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent—Excused

Lemens                      Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Kelley	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Absent—Excused

Lemens                      Spears

**Senate Bill 130 on Second Reading**

Senator Fain, by unanimous consent, moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 130 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Winfield
Lane	York
Lanning	

Absent

Kelley	Ramsey
Morris	Weinert

Absent—Excused

Lemens	Spears
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 130, A bill to be entitled "An Act for the purposes of releasing to the members of the Armed Forces of the United States of America and their auxiliaries and members of the Armed Forces Reserve of the United States of America and their auxiliaries all interest and penalties on State and county ad valorem taxes accruing on property listed on the tax rolls of any county in the name of such members of the Armed Forces or their auxiliaries or the Armed Forces Reserve or their auxiliaries prior to the time they joined such Armed Forces or such auxiliaries; providing that the release of such interest and penalties shall extend for the duration of World War II, and providing that the respective members of such Armed Forces and such auxiliaries shall be allowed a period not to exceed six months after the cessation of hostilities in which to pay without interest and penalty the delinquent taxes due by them; provid-

ing for the suspension of all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 130 on Third Reading**

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 130 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Martin
Beck	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Shivers
Formby	Stone
Graves	Sulak
Jones	Vick
Lane	Winfield
Lanning	York

Nays—2

Brownlee	Lovelady
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Absent

Hazlewood	Ramsey
Kelley	Weinert
Morris	

Absent—Excused

Lemens	Spears
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Fain offered the following committee amendment to the bill:

Amend S. B. No. 130, Section 1, by inserting after the words "interest and penalties" the words "accruing subsequent to their entry into such service."

The committee amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—20

Aikin	Formby
Beck	Graves
Bullock	Hazlewood
Chadick	Jones
Fain	Lane

Lanning	Moore
Mart'in	Shivers
Mauritz	Stone
Metcalfe	Sulak
Moffett	Winfield

## Nays—2

Brownlee	Lovelady
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## Absent

Cotten	Vick
Kelley	Weinert
Morris	York
Ramsey	

## Absent—Excused

Lemens	Spears
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## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
February 17, 1943.

Hon. John Lee Smith, President of  
the Senate.

Sir: I am directed by the House to  
inform the Senate that the House  
has passed the following bills:

S. B. No. 66, A bill to be entitled  
"An Act amending Article 7631 of  
Chapter 2, of Title 128, of the Re-  
vised Civil Statutes of Texas of 1925;  
etc.; and declaring an emergency."  
(With amendments.)

S. B. No. 57, A bill to be entitled  
"An Act amending Article 3883 of  
the Revised Civil Statutes of Texas,  
providing for the maximum compen-  
sation of county officials in any  
county where the population is not  
less than 15,000 and not more than  
15,100 inhabitants according to the  
last preceding Federal Census and  
with a total area of not less than  
569,250 square acres of land and not  
more than 569,500 square acres of  
land; and declaring an emergency."

S. B. No. 58, A bill to be entitled  
"An Act amending Article 3902 of the  
Revised Civil Statutes of Texas of  
1925 and all amendments thereto, by  
adding thereto a new Subsection to  
be known as Subsection 9, fixing the  
compensation of the first assistant or

chief deputy sheriff and other deputy  
sheriffs in counties where the popula-  
tion is not less than 15,000 and not  
more than 15,100 inhabitants accord-  
ing to the last preceding Federal  
Census and with a total area of not  
less than 569,250 square acres of land  
and not more than 569,500 square  
acres of land, the salary of the chief  
deputy sheriff in any such county  
shall not exceed Two Thousand Four  
Hundred (\$2,400.00) Dollars per an-  
num and the salary of any other as-  
sistant deputy sheriff shall not ex-  
ceed Two Thousand One Hundred  
(\$2,100.00) Dollars per annum; and  
declaring an emergency."

S. B. No. 59, A bill to be entitled  
"An Act amending Article 2350 of the  
Revised Civil Statutes of the State  
of Texas providing for the compensa-  
tion of county commissioners in any  
county where the population is not  
less than 15,000 and not more than  
15,100 inhabitants according to the  
last preceding Federal Census and  
with a total area of not less than  
569,250 square acres of land and not  
more than 569,500 square acres of  
land, etc.; and declaring an emer-  
gency."

S. B. No. 95, A bill to be entitled  
"An Act providing that in all in-  
corporated cities and towns contain-  
ing more than two hundred ninety-  
three thousand (293,000) inhabitants  
and less than three hundred seventy-  
five thousand (375,000), according to  
the last preceding or any future Fed-  
eral Census, the governing body shall  
have power to lay out, acquire and/or  
construct any section or portion of  
any street within its jurisdiction as  
a freeway under certain circum-  
stances; etc.; and declaring an emer-  
gency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

## Adjournment

On motion of Senator Lanning, the  
Senate, at 12:30 o'clock p. m., ad-  
journed until 10:00 o'clock a. m. to-  
morrow.

**In Memory of**  
**Senator Archie Parr**

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Senator Kelley offered the following resolution:

(Senate Resolution 36)

Whereas, Senator Archie Parr, a former member of the Senate of Texas, departed this life on the 18th day of October, 1942; and

Whereas, Senator Parr had served for twenty consecutive years in the Senate of Texas, with unusual distinction and ability, having been a leader in those measures designed to upbuild the State and preserve the rights and liberties of the people, and had the entire trust, confidence and admiration of all his colleagues; now, therefore, be it

Resolved, That the Senate of Texas express its regrets over the death of Senator Parr, and extend its unbounded sympathy and warmest consolation to his family; and, be it further

Resolved, That a copy of this resolution be forwarded to each member of Senator Parr's family by the Secretary of the Senate, and that a page of the Senate Journal be set aside in honor of his memory.

**KELLEY.**

Signed—Aikin, Beck, Brownlee, Bullock, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Jones, Kelley, Lane, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Ramsey, Shivers, Spears, Stone, Sulak, Vick, Weinert, Winfield, and York.

The resolution was read.

On motion of Senator Winfield, and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was unanimously adopted.

**In Memory of**  
**Colonel Jesse Knight Hughes**

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Senator Vick offered the following resolution:

(Senate Resolution 37)

Whereas, On Sunday morning, September 27, 1942, Colonel Jesse Knight Hughes passed away at his home in Mexia, Texas, following illness of several months; and

Whereas, Colonel Hughes was the organizer of the J. K. Hughes Oil Company in Mexia and played a leading part in the oil development of the Mexia field and other fields throughout that district; and

Whereas, Colonel Hughes gave generously of his worldly goods, his time, his energy and sympathy and his memory is revered by his community and his kindness and benevolent work will remain forever in the minds of those who loved him and others to whom his friendship was unexcelled; and

Whereas, It is the desire of the membership of the Senate of Texas to pay tribute to such a man, and to express their heartfelt sympathy to his family; now, therefore be it

Resolved, That a copy of this resolution be sent to his family and that a copy of this resolution be spread on the pages of the Senate Journal.

VICK.

The resolution was read and was adopted unanimously.

**In Memory of**  
**Honorable Henry J. Strauss**

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Senator Sulak offered the following resolution:

(Senate Resolution 39)

Whereas, On February 15, 1943, the Supreme Ruler of the Universe called from this life the Honorable Henry J. Strauss of Hallettsville, Lavaca County, Texas; and

Whereas, During his life time Henry J. Strauss has served the Democratic Party as County Chairman with loyalty and devotion for many years, giving freely of his time and talent to his State, Nation and his fellowman; and

Whereas, In his passing his community and State have lost an outstanding, noble citizen and civic leader, his family a loving and devoted husband and father, and his host of friends a loyal, true friend; and

Whereas, We desire, in a measure, to perpetuate his memory and to express our deep sympathy to his bereaved family; now, therefore, be it

Resolved, That a copy of this resolution be enrolled and furnished to his wife and the members of his family.

SULAK.

The resolution was read and was adopted unanimously.